

REMARKS

Initially, the Examiner has rejected claims 1-10 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. The Examiner has stated that the claim language regarding “the extruders having different flow paths” and “the single ingredient flowing in at least one flow path being isolated from the single ingredient flowing in the remaining flow paths” does not have clear and proper antecedent basis in the originally-filed specification. In a related rejection under section 112, second paragraph, the Examiner has indicated that this same claim language is unclear. In response to the lack of clarity rejection, Applicants have amended claim 1 such that the specific language being rejected under Section 112 no longer exists. However, somewhat similar language is employed, and it will be addressed below in order to make it clear that the present claim 1 satisfies all of the requirements under Section 112.

The limitation of “the extruders having different flow paths” has been clarified by indicating that a first extruder has a first extruder flow path and a second extruder has a second extruder flow path. The limitation that “the single ingredient flowing in at least one flow path [is] isolated from the single ingredient flowing in the remaining flow paths” has been clarified by indicating that the second extruder flow path is isolated from the first extruder flow path. Thus, it should now be clear that the flow paths are separate until the flowing materials are joined in the die pack. It should also be clear that the materials are isolated in the extruder flow paths. This clarifies the claim language that was rejected under Section 112; however, this language was also rejected for allegedly lacking support in the specification, and Applicants now address that alleged lack of support, but with focus on the new claim language.

The new claim language respecting first and second extruders and first and second extruder flow paths is supported in the specification at page 8, lines 21-26, wherein it is noted that “two or more extruders melt and force the material resin . . . through a common die pack.” It should be quite clear that if two or more extruders are being employed to

advance the material resin through a common die pack, those extruders will have different flow paths that are isolated from each other. This fully supports the language that has been rejected under 35 U.S.C. Section 112. Two separate extruders cannot have a common flow path because they cannot occupy the same space, and a single ingredient flowing through a first extruder must necessarily take a separate flow path from a single ingredient flowing through a second extruder. It should be clear that the language that has been rejected is simply inherent in a process employing two extruders, as taught in the present invention. The fact that the claim language does not show up verbatim in the patent specification is immaterial to whether or not there is support and clarity. Those of ordinary skill in the art would definitely recognize that, when two or more extruders are being employed to advance a single material, that single material takes separate flow paths through the separate extruders and those flow paths are isolated from one another. The above arguments apply as well to the new claim language respecting first and second extruder flow paths and first and second extruders, and reconsideration is respectfully requested.

The Examiner has maintained the rejection of claims 1 and 10 as being anticipated by Keuchel. In response, Applicants must herein incorporate their prior arguments (16 November 2005) respecting the Keuchel reference. Particularly, Keuchel does not teach employing first and second extruders with first and second extruder flow paths to advance a single ingredient through a common die pack having first and second die flow paths, as claimed. As argued in Applicants' prior response, Keuchel teaches only one extruder flow path going to a die pack having multiple die flow paths. The Examiner's contention that Keuchel is not limited to just one extruder is not well taken. The Examiner has contended that "the use of a singular expression (instead of a plural expression) does not limit a reference, particularly a U.S. patent, to a single element." Applicants and Applicants' attorneys are unfamiliar with this rule of patent law as it applies to the teaching within a specification. It might be true with respect to a "comprising" claim, which is open and thus allows a singular expression to cover more than a single element. But the Examiner cannot rely on Keuchel for something it simply does not teach or provide any motivation to practice.

There is simply nothing in Keuchel to motivate one of ordinary skill in the art to employ more than one extruder to advance the material to the Keuchel die pack. The motivation for multiple extruders and extruder flow paths comes from Applicants' present application, and it is improper for the Examiner to use Applicants' application in such a manner. Thus, Keuchel does not teach extruding a single ingredient through a first extruder having a first flow path and through a second extruder having a second flow path wherein the first and second extruder flow paths are isolated. An anticipation rejection is improper when every limitation of the claim cannot be found in a single reference and, therefore, Applicants respectfully request reconsideration of the rejections based on Keuchel.

The benefits of employing at least two extruders, as claimed, has been set forth in Applicants' prior response.

The Examiner has rejected claims 1 and 10 as being unpatentable over Tsai '322 for the reasons of record. Because Applicants feel that their prior arguments (16 November 2005) with respect to Tsai are still relevant, those prior arguments are incorporated herein by reference, and Applicants will address the Examiner's response to Applicant's prior arguments. Applicants prior arguments were based on the fact that Tsai does not meet the claim limitation of extruding a "single ingredient" as that term would be understood from Applicants' specification. As defined at page 7 of Applicants' specification, the term "single ingredient" indicates that the initial starting materials employed in the extruders are essentially chemically and physically identical. Contrast this with Tsai, wherein, at column 4, lines 34-39 is specifically taught that the Tsai process is to employ "two poly(lactic acid) polymers that have **different properties**" (emphasis added). The Tsai process employs two different PLA polymers that are polymerized to two different levels of crystallinity based on differential ratios of L to D enantiomers before processing. These LPA polymers do not satisfy the claimed "single ingredient," and reconsideration is respectfully requested.

With respect to the 102(e) anticipation rejections over Skinner U.S. 2002/0023356 or Skinner 6,560,878 (which are simply different publications of the same reference), the Applicants overcome this rejection by submitting herewith a copy of a Declaration under 37

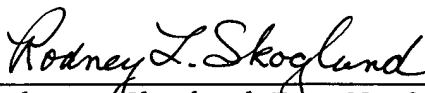
C.F.R. 1.132 of one of the inventors, Chad Boyd, that was to be previously submitted in overcoming this 102(e) rejection in the parent application (Serial No. 10/099,614). In fact, the undersigned attorney contacted the Examiner regarding his earlier failure to submit this Declaration and was told that a Non-Compliant Response would be forwarded. It was not. Instead, Applicants have received the current Final Office Action.

Nevertheless, Mr. Boyd, states for the record that the subject matter of the present invention predates the subject matter of the cited reference. The Declaration removes the cited reference as prior art relative to the instant application, and overcomes the 102(e) rejection. The submission of this Declaration also overcomes the 103 rejection.

If any matter has been left unaddressed, Applicants' attorney would welcome a telephone call or other communication to that effect. In light of the foregoing amendments and arguments, reconsideration of all pending claims is respectfully requested, and a Notice of Allowance of claims 1-10 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

No new claims have been added and no fee is believed due with the filing of this document. However, in the event a fee is due, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated herewith or to credit any overpayment to deposit account no. 18-0987.

Respectfully Submitted,



Rodney L. Skoglund (Reg. No. 36,010)
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Attorney for Applicants

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